

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID J. KENNEDY,

Plaintiff,

v.

Case No. 2:19-cv-13210

District Judge Sean F. Cox

Magistrate Judge Kimberly G. Altman

LT. CURTIS,

Defendant.

**ORDER GRANTING DEFENDANT'S MOTION TO TAKE PLAINTIFF'S
DEPOSITION (ECF No. 41)**

I.

This is a prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff David J. Kennedy filed a complaint alleging that defendants Anthony H. Stewart, Kevin Lindsey, Lt. Josh Curtis, and Sgt. Mask violated his constitutional rights. Specifically, he alleged that he was retaliated against for protected speech, subjected to cruel and unusual punishment in violation of the Eighth Amendment, and denied due process under the Fourteenth Amendment. *See* ECF No. 1. Following motion practice, all of Kennedy's claims except for his retaliation claim against Curtis have been dismissed. *See* ECF Nos. 5, 32. Kennedy also has counsel. *See* ECF Nos. 37, 39.

Under 28 U.S.C. § 636(b)(1), all pretrial matters were referred to the undersigned. (ECF No. 25). Before the Court is Curtis’ motion to take Kennedy’s deposition. (ECF No. 41). Kennedy’s counsel does not oppose or object to the relief requested. *See id.*, PageID.315.

II.

Federal Rule of Civil Procedure 30(a)(2)(B) provides that “[a] party must obtain leave of court, and the court must grant leave to the extent consistent with Rule 26(b)(1) and (2) . . . if the deponent is confined in prison.” Kennedy is currently confined to prison. Curtis’ request for leave is consistent with Rule 30(a)(2)(B). Accordingly, Curtis’ motion is GRANTED. Counsel for Curtis may make arrangements to take Kennedy’s deposition at a convenient date and time at the correctional facility where he is incarcerated.

SO ORDERED.

Dated: April 21, 2022
Detroit, Michigan

s/Kimberly G. Altman
KIMBERLY G. ALTMAN
United States Magistrate Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on April 21, 2022.

s/Carolyn Ciesla
CAROLYN CIESLA
Case Manager